

1 Thomas F. Bertrand, SBN 056560
2 Richard W. Osman, SBN 167993
3 BERTRAND, FOX & ELLIOT
4 2749 Hyde Street
5 San Francisco, Ca 94109
6 Telephone: (415) 353-0999
7 Facsimile: (415) 353-0990
8 Email: rosman@bfesf.com

9 Attorneys for Defendants
10 CITY OF SAN RAFAEL,
11 RYAN DEMARTA and RYAN COGBILL

12 James D. Rush, SBN 240284
13 LAW OFFICES OF JAMES D. RUSH, APC
14 7665 Redwood Boulevard, Suite 200
15 Novato, CA 94945
16 Telephone: (415) 897-4801
17 Facsimile: (415) 897-5316

18 Attorney for Plaintiffs
19 GREGORY L. SULLIVAN and
20 KOJI FUJITA

21 Brian K. Gearinger, SBN 146125
22 GEARINGER LAW GROUP
23 825 Van Ness Ave., 4th Floor
24 San Francisco, CA 94109
25 Telephone: (415) 440-3175
26 Facsimile: (415) 440-3103
27 Email: brian@gearingerlaw.com

28 Attorneys for Plaintiffs
GREGORY L. SULLIVAN and
KOJI FUJITA

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16 UNITED STATES DISTRICT COURT
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18 NORTHERN DISTRICT OF CALIFORNIA

19 GREGORY L. SULLIVAN and
20 KOJI FUJITA,

21 Plaintiffs,

22 v.

23 CITY OF SAN RAFAEL, a government
24 entity; SAN RAFAEL POLICE
25 DEPARTMENT, a government entity;
26 RYAN DEMARTA, individually, and in
27 his capacity as police officer for the CITY
28 OF SAN RAFAEL; RYAN COGBILL,
individually, and in his capacity as police
officer for the CITY OF SAN RAFAEL;
and DOES 1 to 100,

Defendants.

Case No.: CV 12-01922 MEJ

**STIPULATION AND [PROPOSED] ORDER
TO CONTINUE PRETRIAL DATES**

1 The parties, by and through their respective counsel, hereby stipulate and request that the
 2 following presently-scheduled pretrial dates be continued, as indicated, to accommodate the parties'
 3 ongoing settlement efforts.

4 1. Last day to meet and confer re pretrial matters – presently set for August 28, 2013.
 5 Requested continuance to September 16, 2013.

6 2. Last day to file joint pretrial statement and motions in limine - presently set for September
 7 12, 2013. Requested continuance to September 26, 2013.

8 3. Last day to file oppositions re in limine motions – presently set for September 19, 2013.
 9 Requested continuance to October 3, 2013.

10 4. Last day to file joint jury instructions, verdict form, trial briefs and proposed voir dire –
 11 presently set for September 27, 2013. Requested continuance to October 7, 2013.

12 5. Pretrial conference – presently set for September 26, 2013. Requested continuance to
 13 October 10, 2013.

14 The above requests are based on the parties' ongoing settlement efforts. On July 2, 2013, this
 15 Court issued a Status Order suggesting the parties would benefit from further settlement discussions. In
 16 the same order, this Court requested the parties submit a joint status report and stated: "The parties shall
 17 also indicate whether they would like a continuance of any pending pretrial or trial deadlines while they
 18 continue with mediation."

19 The parties agreed to submit the matter, which previously had been mediated, to Judge Beeler for
 20 a settlement conference. The settlement conference was held on August 12, 2013 and did not result in
 21 settlement. However, Judge Beeler suggested the parties continue their efforts and a further settlement
 22 conference has been scheduled for September 10, 2013. Because the joint pretrial statement and motions
 23 in limine are due on September 12, 2013 and jury instructions, proposed voir dire and trial briefs are due
 24 on September 27, 2013, if the pretrial filing deadlines and other related dates are not continued, the
 25 parties will all be in the unfortunate position of committing significant resources to trial preparation in a
 26 matter they are attempting to resolve.

27 Continuing these dates should not affect the currently-scheduled final pretrial conference and
 28

trial date.

SO STIPULATED.

Dated: August 23, 2013

BERTRAND, FOX AND ELLIOT

By: s/ Richard W. Osman

Richard W. Osman
Attorneys for Defendants

Dated: August 23, 2013

LAW OFFICE OF JAMES D. RUSH

By: /s/ James D. Rush

James D. Rush
Attorneys for Plaintiffs

Dated: August 23, 2013

GEARINGER LAW GROUP

By: /s/ Brian K. Gearinger

Brian K. Gearinger
Attorneys for Plaintiffs

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1 **[PROPOSED] ORDER**

2 Having reviewed the stipulation of counsel herein, IT IS HEREBY ORDERED that:

3 1. the last day to meet and confer re pretrial matters, presently set for August 28, 2013 be
4 continued to September 16, 2013.

5 2. The last day to file joint pretrial statement and motions in limine, presently set for
6 September 12, 2013, be continued to September 26, 2013.

7 3. The last day to file oppositions re in limine motions, presently set for September 19,
8 2013, be continued to October 3, 2013.

9 4. The last day to file joint jury instructions, verdict form, trial briefs and proposed voir dire,
10 presently set for September 27, 2013, be continued to October 7, 2013.

11 5. The Pretrial Conference, presently set for September 26, 2013, be continued to October
12 10, 2013 at 10:00 a.m.

13 6. The final Pretrial Conference remains scheduled for October 24, 2013 at 10:00 a.m.

14 7. Trial remains scheduled for October 28, 2013, commencing at 9:30 a.m.

15 **IT IS SO ORDERED.**

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17 DATED: August 27, 2013

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HONORABLE MARIA-ELENA JAMES
UNITED STATES MAGISTRATE JUDGE